

MINUTES

REGULAR MEETING OF THE CITY COUNCIL

CITY OF MEMPHIS

September 5, 2006

3:30 P.M. SCHEDULED SESSION

4:05 P.M. MEETING COMMENCED

ROLL CALL: Dedrick Brittenum, Joe Brown, Carol Chumney, Edmund Ford, Barbara Swearengen Holt, E. C. Jones, Myron Lowery, Tom Marshall, Scott McCormick, Rickey Peete, Jack Sammons, Brent Taylor and Chairman TaJuan Stout Mitchell

**THE MEETING WAS CALLED TO ORDER
BY THE SERGEANT-AT-ARMS**

INVOCATION

The meeting was opened with prayer by Councilwoman Carol Chumney .Councilman McCormick presented Councilwoman Chumney with a certificate naming her Chaplain of the day.

The original of the ordinances, resolutions and documents relating to each item is filed in the office of Council Records and on microfilm in the office of Records Management, Room 2B-08. The original documents shall control in the event of any conflict between the description in these minutes and the original documents.

21.

REFERENDUM ORDINANCE TO AMEND THE CHARTER OF THE CITY OF MEMPHIS, THE SAME BEING CHAPTER 11 OF THE ACTS OF 1879, AS IT RELATES TO ESTABLISHING AN AUDIT COMMITTEE TO REQUEST, RECEIVE, REVIEW, ANALYZE AND EVALUATE INVESTIGATIONS, EXAMINATIONS, REPORTS AND/OR AUDITS, AND AS AMENDED PURSUANT TO THE PROVISIONS OF ARTICLE XI, SECTION 9 OF THE CONSTITUTION OF THE STATE OF TENNESSEE (HOME RULE AMENDMENT) AND THE ACTS OF 1915, CHAPTER 408 AND TO SUBMIT THIS PROPOSED REFERENDUM ORDINANCE TO THE QUALIFIED VOTERS OF THE CITY OF MEMPHIS AT THE FIRST GENERAL STATE ELECTION TO BE HELD ON NOVEMBER 7, 2006, UP FOR T H I R D AND F I N A L READING. (HELD FROM 8/15)

Ordinance No. 5180
- Held until September 19, 2006

CONSENT AGENDA – Items 1-10 & #41 may be acted upon by one motion. SEE PAGE 1987 FOR ROLL CALL

1.

ORDINANCE REZONING THE SOUTHEAST CORNER OF SUMMER AVENUE (U.S. HWY. 70) AND NORTH OF WOLF RIVER, CONTAINING 19.12 ACRES IN THE AGRICULTURAL FLOOD PLAIN (AG[FP]) DISTRICT, UP FOR F I R S T READING.

Ordinance No. 5182
Case No. Z 06-114
- APPROVED,** on First reading
2.

RESOLUTION APPROVING ENGINEERING PLANS OF SHELBY PARK PD, PHASE 2, SEWER EXTENSION.

Contract No. CR-5031

Resolution approves the engineering plans located at the southeast corner of Raleigh LaGrange Road and Macon Road. Cost of the required improvements to be borne by the developer. Resolution also authorizes the proper officials to execute the attached standard sewer extension contract.

City Engineer recommends approval

APPROVED

3. **RESOLUTION APPROVING FINAL PLAT OF UPTOWN REDEVELOPMENT
SUBDIVISION 5.**

Case No. S 04-085

Resolution approves the final plat located on the northwest corner of Mill Street and Seventh Street. Cost of the required improvements to be borne by the developer.

City Engineer recommends approval

APPROVED

4. **RESOLUTION ACCEPTING APPLING FARMS BUSINESS PARK, PD, PHASE 2,
ROAD DEDICATION AND AUTHORIZING RELEASE OF BOND.**

Case No. PD 04-385
(Contract No. CR-4991)

Resolution accepts completion of the improvements and the dedication of public streets and easements as shown on the final plat located north of I-40 between Appling Road and Charles Bryan Road. The standard improvement contract was approved on November 15, 2005. Resolution also authorizes the release of the certificate of deposit (No. 172750285) in the amount of \$104,100.00.

City Engineer recommends approval

APPROVED

5. **RESOLUTION APPROVING FINAL PLAT OF GERLAND CREEK PD, PHASE 10.**

Case No. PD 92-349cc

Resolution approves the final plat located on the northwest corner of Shelby Drive and Hacks Cross Road. Cost of the required improvements to be borne by the developer. This action is subject to County approval

City Engineer recommends approval

APPROVED

6. **RESOLUTION ACCEPTING HOLMESWOOD P.D., PHASE 4 AND AUTHORIZING
RELEASE OF BOND.**

Case No. PD 91-319
(Contract No. CR-4948)

Resolution accepts completion of the improvements and the dedication of public streets and easements as shown on the final plat located on the southwest corner of Getwell road and Holmescrest Lane. The standard improvement contract was approved on June 7, 2005. Resolution also authorizes the release of the Letter of Credit No. 32772 performance bond in the amount of \$988,000.00.

City Engineer recommends approval

APPROVED

7. **RESOLUTION APPROVING FINAL PLAT OF CORDOVA CELLARS P.D., PHASE 1.**
Case No. PD 00-336cc

Resolution approves the final plat located on the corner of Macon Road and Berryhill Road. Cost of the required improvements to be borne by the developer. This action is subject to County approval.

City Engineer recommends approval

APPROVED

8. **RESOLUTION ACCEPTING CLOSURE OF EAST MONROE AVENUE, SOUTH FOURTH STREET, SOUTH THIRD STREET ALLEY, MADISON AVENUE AND MONROE AVENUE ALLEY AND AUTHORIZING RELEASE OF BOND.**
Case No. SAC 97-009
(Contract No. CR-4354)

Resolution accepts completion of the improvements and the dedication of public streets and easements as shown on the final plat located on the east side of South Third Street between Madison Avenue and Union Avenue. The standard improvement contract was approved on September 1, 1998. Resolution also authorizes the release of the performance bond in the amount of \$245,800.00.

City Engineer recommends approval

APPROVED

9. **NOTATIONS FROM THE LAND USE CONTROL BOARD THAT THE FOLLOWING CASES WERE HEARD AND RECOMMENDATION MADE REQUESTING A DATE OF PUBLIC HEARING:**

- A. Case No. PD 06-313 – Lamar Crossing P.D.
- B. Case No. SAC 06-601 –Waldran Boulevard Closure
- C. Case No. SAC 06-613 – N. Front Street Alley Closure
- D. Case No. SAC 05-621 – Country Club Lane Closure
- E. Case No. SUP 06-217

Public Hearing Set for September 19, 2006

10. **RESOLUTION DESIGNATING AN HONORARY STREET NAME CHANGE IN HONOR OF ELDER CURLEY HAMILTON.**

APPROVED

41. **RESOLUTION APPROVING FINAL PLAT OF NORTHGATE SHOPPING CENTER C-P, PHASE 2.**
Case No. Z 04-131
Contract No. CR-5032

Resolution approves the final plat located at the intersection of Thomas Street and Whitney Avenue. Cost of the required improvements to be borne by the developer. Resolution also authorizes the officials to execute the attached standard improvement contract.

City Engineer recommends approval

APPROVED

ROLL CALL CONSENT ITEMS

- MOTION: Sammons
- SECOND: Holt

AYES: Brittenum, Brown, Chumney, Ford, Holt, Jones, Lowery, Marshall, McCormick, Peete, Sammons, Taylor and Chairman Mitchell

APPROVED

MLGW FISCAL CONSENT – Items 11 – 19 may be acted upon by one motion

11. **RESOLUTION AWARDING CONTRACT NO. 11109, SYSTEMS FURNITURE, TO CORPORATE EXPRESS, INC., IN AN ESTIMATED FUNDED AMOUNT OF \$229,940.76.**

APPROVED

12. **RESOLUTION APPROVING CHANGE NO. 2 TO CONTRACT NO. 10978, GLOBAL POSITIONING SYSTEM, WITH AT ROAD, INC., IN AN ESTIMATED FUNDED AMOUNT OF \$98,850.00. (THIS EXTENDS THE CONTRACT FOR A SECOND 12-MONTH TERM, 5/14/06 TO 5/13/07.)**

APPROVED

13. **RESOLUTION APPROVING CHANGE NO. 4 TO CONTRACT NO. 11018, TRASH REMOVAL SERVICES, WITH WASTE CONNECTIONS, INC., IN AN ESTIMATED FUNDED AMOUNT OF \$115,890.62. (THIS RENEWS THE CONTRACT FOR THE SECOND TERM, 1/1/07 TO 12/31/07).**

APPROVED

14. **RESOLUTION AWARDING CONTRACT FOR GROUND RODS TO INDUSTRIAL SALES COMPANY, IN THE AMOUNT OF \$45,430.00.**

APPROVED

15. **RESOLUTION AWARDING CONTRACT FOR CAPACITOR BANKS TO STUART C. IRBY, IN THE AMOUNT OF \$42,838.95.**

APPROVED

16. **RESOLUTION AWARDING CONTRACT FOR FUSED CUTOUTS TO TENNESSEE VALLEY ELECTRIC SUPPLY COMPANY, IN THE AMOUNT OF \$35,402.50.**

APPROVED

17. **RESOLUTION AWARDING CONTRACT FOR CRUSHED LIMESTONE TO FULLEN DOCK AND WAREHOUSE, IN THE AMOUNT OF \$481,750.00.**

APPROVED

18. **RESOLUTION AMENDING PURCHASE ORDER NO. 122510 WITH THOMAS CONSULTANTS, INC. FOR DELL SERVERS, IN THE AMOUNT OF \$860,000.00, FOR A TOTAL AMOUNT OF \$2,280,812.00.**

APPROVED

19. **RESOLUTION AMENDING PURCHASE ORDER NO. 123966 WITH STRESSCRETE C/O CURTIS H. STOUT OF TENNESSEE FOR CONCRETE STANDARDS, IN THE AMOUNT OF \$574,440.00, FOR A TOTAL AMOUNT OF \$979,146.99.**

APPROVED

ROLL CALL MLGW FISCAL CONSENT ITEMS

MOTION: Sammons
SECOND: Marshall

AYES: Brittenum, Brown, Chumney, Ford, Holt, Jones, Lowery, Marshall, McCormick, Peete, Sammons, Taylor and Chairman Mitchell

APPROVED

20. **APPOINTMENTS**

Health, Education & Housing Facility Board

Reappointments

Roshun A. Austin
Lee Patton
Daniel T. Reid

MOTION: Marshall
SECOND: Jones
AYES: Brittenum, Brown, Chumney, Ford, Holt, Jones, Lowery, Marshall, McCormick, Peete, Sammons, Taylor and Chairman Mitchell

APPROVED

22. **RESOLUTION ACCEPTING GRANT FUNDS IN THE AMOUNT OF ONE HUNDRED THIRTY-SIX THOUSAND, NINE HUNDRED NINETY-TWO DOLLARS AND SIXTY CENTS (\$136,992.60) FROM THE STATE OF TENNESSEE DEPARTMENT OF LABOR AND WORKFORCE DEVELOPMENT FOR WIA TITLE ONE CAREER CENTER RESOURCE SHARE GRANT. RESOLUTION ALSO AMENDS THE FY 2007 OPERATING BUDGET TO ESTABLISH AND APPROPRIATE GRANT FUNDS.**

MOTION: Brittenum
SECOND: Ford
AYES: Brittenum, Brown, Chumney, Ford, Holt, Jones, Lowery, Marshall, McCormick, Peete, Sammons, Taylor and Chairman Mitchell

APPROVED

23. **RESOLUTION ACCEPTING GRANT FUNDS IN THE AMOUNT OF SIX THOUSAND, SEVEN HUNDRED FIFTY-TWO DOLLARS AND SIXTEEN CENTS (\$6,752.16) FROM THE STATE OF TENNESSEE DEPARTMENT OF LABOR AND WORKFORCE DEVELOPMENT ADULT EDUCATION FOR WIA TITLE ONE CAREER CENTER RESOURCE SHARE GRANT. RESOLUTION ALSO AMENDS FY 2007 OPERATING BUDGET TO ESTABLISH AND APPROPRIATE GRANT FUNDS.**

MOTION: Brittenum
SECOND: Holt
AYES: Brittenum, Brown, Chumney, Ford, Holt, Jones, Lowery, Marshall, McCormick, Peete, Taylor and Chairman Mitchell
Sammons did not cast a vote

APPROVED

39. **RESOLUTION APPROVING AN APPEAL LOCATED ON THE WEST SIDE OF CENTER DRIVE; ±325 FEET SOUTH OF CROSS DRIVE, CONTAINING 1.465 ACRES IN THE SINGLE FAMILY RESIDENTIAL (R-S10) DISTRICT. (HELD FROM 7/25)**
Case No. S 06-011

Appellant: William Chandler

Request: Appeal to overturn action of the Land Use Control Board which rejected a two (2) lot preliminary plat subdivision located at 591 Center Drive

LUCB and OPD recommendation: REJECTION

Chairman Mitchell recognized the following person from the audience:

Joe Birch, 2230 N. Parkway, Memphis, TN. 38112

(Councilman Peete made a motion for this case to be converted to a PD and come back before Council at a later date. This was seconded by Councilman Ford. The applicant decided to just withdraw the case).

WITHDRAWN

24. **RESOLUTION ACCEPTING GRANT FUNDS IN THE AMOUNT OF TWO MILLION, FIVE HUNDRED EIGHTY-FOUR THOUSAND AND EIGHTY-THREE DOLLARS (\$2,584,083.00) FROM THE STATE OF TENNESSEE DEPARTMENT OF LABOR FOR WIA TITLE ONE YOUTH SERVICES GRANT. RESOLUTION ALSO AMENDS FY 2007 OPERATING BUDGET TO ESTABLISH AND APPROPRIATE GRANT FUNDS.**

MOTION: Brittenum

SECOND: Holt

AYES: Brittenum, Brown, Chumney, Ford, Holt, Jones, Lowery, Marshall, McCormick, Sammons, Taylor and Chairman Mitchell
Peete did not cast a vote

APPROVED

25. **RESOLUTION ACCEPTING GRANT FUNDS IN THE AMOUNT OF TWO HUNDRED EIGHTY-SEVEN THOUSAND, ONE HUNDRED TWENTY DOLLARS (\$287,120.00) FROM THE STATE OF TENNESSEE DEPARTMENT OF LABOR FOR WIA TITLE ONE ADMINISTRATIVE SERVICES GRANT. RESOLUTION ALSO AMENDS FY2007 OPERATING BUDGET TO ESTABLISH AND APPROPRIATE GRANT FUNDS.**

MOTION: Brittenum

SECOND: Holt

AYES: Brittenum, Brown, Chumney, Ford, Holt, Jones, Lowery, Marshall, McCormick, Peete, Sammons, Taylor and Chairman Mitchell

APPROVED

26. **RESOLUTION TRANSFERRING A PORTION OF PREVIOUSLY ACCEPTED AND APPROPRIATED FEDERAL GRANT FUNDS IN THE AMOUNT OF \$190,000.00 TO SEARCH/RESCUE WAREHOUSE, CIP PROJECT NUMBER FS04006, FOR ARCHITECTURE AND ENGINEERING DESIGN.**

MOTION: Chumney

SECOND: Jones

AYES: Brittenum, Chumney, Ford, Holt, Jones, Lowery, Marshall, McCormick, Peete, Sammons, Taylor and Chairman Mitchell
Brown did not cast a vote

APPROVED

27. **RESOLUTION APPROPRIATING \$2,700,000.00 IN G.O. BONDS GENERAL FOR SEARCH/RESCUE WAREHOUSE, CIP PROJECT NUMBER FS04006, CHARGEABLE TO THE FY 2007 CAPITAL IMPROVEMENT BUDGET.**

MOTION: Chumney

SECOND: Holt

AYES: Brittenum, Brown, Chumney, Ford, Holt, Jones, Lowery, Marshall, McCormick, Peete, Sammons, Taylor and Chairman Mitchell

APPROVED

28. **RESOLUTION APPROPRIATING \$437,000.00 IN G.O. BONDS GENERAL FOR THE VEHICLE CAPTURE EXHAUST SYSTEMS AT EXISTING FIRE STATIONS, CIP PROJECT NUMBER FS04007, FEMA GRANT CHARGEABLE TO THE FY 2007 CAPITAL IMPROVEMENT BUDGET.**

MOTION: Chumney
SECOND: Marshall
AYES: Brittenum, Brown, Chumney, Ford, Holt, Jones, Lowery, Marshall, McCormick, Peete, Sammons, Taylor and Chairman Mitchell

APPROVED

29. **RESOLUTION REQUESTING CITY COUNCIL APPROVAL OF THE MANAGEMENT AND RENOVATION AGREEMENT BETWEEN THE CITY OF MEMPHIS, TENNESSEE, THROUGH ITS DIVISION OF PARK SERVICES AND THE FRIENDS OF THE LEVITT PAVILION MEMPHIS, INC., A TENNESSEE 501 (C) (3) NON PROFIT CORPORATION, FOR THE MANAGEMENT AND RENOVATION OF THE RAOUL WALLENBURG SHELL IN OVERTON PARK. THE INITIAL TERM OF THE AGREEMENT IS TO BE TWENTY-FIVE (25) YEARS.**

MOTION: McCormick
SECOND: Holt
AYES: Brittenum, Brown, Chumney, Ford, Holt, Lowery, Marshall, McCormick, Peete, Sammons, Taylor and Chairman Mitchell
NAY: Jones

APPROVED

30. **RESOLUTION APPROPRIATING \$250,000.00 FUNDED BY G.O. BONDS GENERAL FOR MAJOR ZOO MAINTENANCE. THE CITY OF MEMPHIS HAS ENTERED INTO AN AGREEMENT WITH MEMPHIS ZOOLOGICAL SOCIETY WHICH PROVIDES FOR THE USE AND PAYMENT OF THE CURRENT AND FUTURE CAPITAL APPROPRIATION.**

MOTION: McCormick
SECOND: Holt
AYES: Brittenum, Brown, Chumney, Ford, Holt, Jones, Lowery, Marshall, McCormick, Peete, Sammons, Taylor and Chairman Mitchell

APPROVED

44. **RESOLUTION APPROVING THE TWENTY-YEAR TERM OF CONTRACT WITH TENNESSEE ENERGY ACQUISITION CORPORATION (TEAC) FOR THE PURCHASE OF NATURAL GAS AT A DISCOUNTED PRICE.**

MOTION: Ford
SECOND: Holt
AYES: Brittenum, Brown, Ford, Holt, Lowery, Marshall, McCormick, Peete, Taylor and Chairman Mitchell
NAYS: Jones and Sammons
Chumney passed on voting

APPROVED

43. **RESOLUTION AUTHORIZING THE EXECUTION OF A LEASE AGREEMENT WITH T E PRODUCTS PIPELINE COMPANY, LIMITED PARTNERSHIP (“TEPPCO”) FOR CERTAIN LANDS ON PRESIDENTS ISLAND AS APPROVED BY THE BOARD OF COMMISSIONERS OF THE MEMPHIS AND SHELBY COUNTY PORT COMMISSION ON JUNE 22, 2006.**

Contract No. CR-5034

MOTION: Marshall
SECOND: Ford
AYES: Brown, Chumney, Ford, Holt, Jones, Lowery, Marshall, McCormick, Peete, Sammons, Taylor and Chairman Mitchell
Brittenum recused

APPROVED

42. **RESOLUTION AUTHORIZING THE EXECUTION OF A SERIES OF TRANSACTIONS WITH NUCOR STEEL MEMPHIS, INC., FOR CERTAIN LANDS IN THE FRANK C. PIDGEON INDUSTRIAL PARK, INCLUDING THE NEW HARBOR AS APPROVED BY THE BOARD OF COMMISSIONERS OF THE MEMPHIS AND SHELBY COUNTY PORT COMMISSION ON AUGUST 23, 2006.**
Contract No. CR-5033

MOTION: Marshall
SECOND: Holt
AYES: Brown, Chumney, Ford, Holt, Lowery, Marshall, McCormick, Peete, Sammons, Taylor and Chairman Mitchell
Brittenum recused
Jones did not cast a vote

APPROVED

40. **RESOLUTION JOINING THE UNITED STATES POSTAL SERVICE IN THEIR CAMPAIGN HIGHLIGHTING SEPTEMBER 19, 2006 AS “GROW YOUR BUSINESS DAY” IN MEMPHIS, TENNESSEE.**

(A motion and second was not made on this item and neither was a vote taken)

31. **ORDINANCE REZONING THE NORTHWEST CORNER OF WINCHESTER ROAD AND AVENUE OF COMMERCE, CONTAINING 13.06 ACRES IN THE LIGHT INDUSTRIAL (I-L) & SINGLE FAMILY RESIDENTIAL (R-S15) DISTRICTS, UP FOR T H I R D AND F I N A L READING.**
Ordinance No. 5181
Case No. Z 06-111

Applicant: FedEx Express Corporation
Jeff Hedgepeth – Representative

Request: General Office (O-G) District

LUCB and OPD recommendation: APPROVAL

MOTION: Peete
SECOND: Brown
AYES: Brown, Chumney, Ford, Holt, Jones, Lowery, Marshall, McCormick, Peete, Sammons, Taylor and Chairman Mitchell
Brittenum did not cast a vote

APPROVED

32. **RESOLUTION APPROVING A TWO YEAR TIME EXTENSION BEGINNING AT THE WEST LINE OF DEERSKIN DRIVE AND PROCEEDING WEST ±115 FEET THEREFROM. (PREVIOUSLY APPROVED BY COUNCIL ON JUNE 17, 2003).**
Case No. SAC 02-619

Applicant: Memphis Housing Authority
Dickinson & Bennett – James K. Dickinson – Representative

Request: Close & Vacate Street Right-of-Way

LUCB and OPD recommendation: APPROVAL, with conditions

MOTION: Peete
SECOND: Brown
AYES: Brown, Chumney, Ford, Holt, Jones, Lowery, McCormick, Peete, Sammons,
 Taylor and Chairman Mitchell
 Brittenum and Marshall did not cast a vote

APPROVED

38. **RESOLUTION APPROVING AN APPEAL LOCATED ON THE WEST SIDE OF CORO ROAD, OPPOSITE HIGH POINT COVE, CONTAINING 6 ACRES IN THE SINGLE FAMILY RESIDENTIAL (R-S10) AND (R-S6) DISTRICTS.**
- Case No. S 06-027

Owner of Record: Coro Vista, L.L.C.

Applicant: Gerald Robinson

Appellant: City Engineer

Request: Appeal to overturn action of the Land Use Control Board which granted a variance to permit a rural cross-section along Coro Road, omitting curb and gutter, as a part of their approval of the fourteen lot preliminary plat for the proposed Coro Road Subdivision (S 06-027)

LUCB recommendation: Approval, with 1 variation and 1 condition

OPD recommendation: Approval, with 2 variations and 1 condition

Chairman Mitchell recognized the following people from the audience:
 Jim Strickland, 44 N. Second, Suite 502, Memphis, TN. 38103
 Jay KLahn, 4898 Coro Road, Memphis, TN. 38109

MOTION: Peete
SECOND: Brown
AYES: Brittenum, Brown, Ford, Holt, Jones, Lowery, McCormick, Peete, Taylor
 and Chairman Mitchell
NAYS: Chumney, Marshall and Sammons

APPROVED, as amended

36. **RESOLUTION APPROVING A USE VARIANCE LOCATED ON THE NORTHSIDE OF E. MCLEMORE AVENUE; +242 FEET WEST OF FOUNTAIN COURT, CONTAINING 0.33 ACRE IN THE COLLEGE UNIVERSITY (CU) DISTRICT.**
- Case No. UV 06-07

Applicant: Lois Johnson
 Minister Sahkara Yahweh – Representative

Request: Bed-N-Breakfast Facility

LUCB and OPD recommendation: APPROVAL, with conditions

MOTION: Peete
SECOND: Jones
AYES: Brittenum, Brown, Chumney, Ford, Holt, Jones, Lowery, Marshall, McCormick,
 Peete, Sammons, Taylor and Chairman Mitchell

APPROVED

(Councilman Ford made a motion to suspend the rules and have the Minutes of Item#36 approved with August 15, 2006 Minutes, which will be approved at this meeting. This was seconded by Councilman Peete).

(This motion was APPROVED, by unanimous voice vote)

35. **RESOLUTION APPROVING A SPECIAL USE PERMIT LOCATED ON THE EAST SIDE OF IDLEWILD STREET; +325 FEET NORTH OF UNION AVENUE, CONTAINING 0.21 ACRE IN THE MULTIPLE DWELLING RESIDENTIAL (R-MH) DISTRICT.**

Case No. SUP 06-218

Applicant: Les Passees Club, Inc.
Jim Strickland, Attorney-at-Law – Representative

Request: Permit for office use

LUCB and OPD recommendation: APPROVAL, with conditions

MOTION: Peete
SECOND: Ford
AYES: Brittenum, Brown, Chumney, Ford, Holt, Jones, Lowery, Marshall, McCormick, Peete, Sammons, Taylor and Chairman Mitchell

APPROVED, as amended

37. **RESOLUTION APPROVING A HOTEL WAIVER FOR COLONIAL INN AND SUITES AT 1952 E. SHELBY DRIVE, MEMPHIS, TN 38116.**

MOTION: Peete
SECOND: Holt
AYES: Brittenum, Brown, Chumney, Ford, Holt, Jones, Lowery, Marshall, McCormick, Peete and Taylor
NAY: Chairman Mitchell
Sammons did not cast a vote

APPROVED

34. **RESOLUTION APPROVING A SPECIAL USE PERMIT LOCATED ON THE WEST SIDE OF HACKS CROSS ROAD; +1400 FEET NORTH OF STATELINE ROAD, CONTAINING 77 ACRES IN THE MULTIPLE DWELLING RESIDENTIAL (R-MH) DISTRICT.**

Case No. SUP 06-213cc

Applicant: Memorial Park, Inc.

Request: Permit for cemetery use

LUCB and OPD recommendation: APPROVAL, with conditions

MOTION: Peete
SECOND: Brown
AYES: Brittenum, Brown, Chumney, Ford, Holt, Jones, Lowery, Marshall, McCormick, Peete, Sammons, Taylor and Chairman Mitchell

APPROVED, as amended

33. **RESOLUTION APPROVING A SPECIAL USE PERMIT LOCATED ON THE SOUTHSIDE OF U.S. HIGHWAY 70; 90 FEET WEST OF BRUNSWICK ROAD, CONTAINING 21.10 ACRES IN THE AGRICULTURAL (AG) DISTRICT.**

Case No. SUP 06-207cc

Applicant: Sprint Communications Corp.
Shawn Massey, Oasis Consulting, LLC – Representative

Request: Increase height of one cell tower from 150 ft. to 153 ft.

LUCB and OPD recommendation: APPROVAL, with conditions

MOTION: Peete
SECOND: Ford
AYES: Brittenum, Brown, Chumney, Ford, Holt, Jones, Lowery, Marshall, McCormick, Peete, Sammons, Taylor and Chairman Mitchell

APPROVED, as amended

MINUTES

Approval of the Minutes of the regular meeting of August 15, 2006 with the following motion:

MOTION: Holt
SECOND: Brown
AYES: Brittenum, Brown, Chumney, Ford, Holt, Lowery, Marshall, McCormick, Sammons, Taylor and Chairman Mitchell
Jones and Peete did not cast a vote

APPROVED, as amended (The Minutes on Item#36- UV 06-07, from tonight’s meeting, were included with August 15, 2006 Minutes)

INTRODUCTION OF ITEMS ON MATTERS BY THE GENERAL PUBLIC:

ADJOURNED MEETING AT 6:00 P.M.

Upon statement of the Chairman, without objection, the meeting was adjourned, subject to the call of the Chairman.

Attest:

C H A I R M A N

Deputy Comptroller/Council Records